

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER TOM,
Plaintiff,

v.

KILOLO KIJAKAZI,
Defendant.

Case No. 19-cv-06322-JST

**ORDER DENYING MOTION TO STAY
PENDING APPEAL**

Re: ECF No. 161

Plaintiff Jennifer Tom has filed a motion to stay pending appeal the Court's December 13, 2022 judgment in favor of Defendant Kilolo Kijakazi and against Tom. ECF No. 161. She seeks an extension of time "to comply with the December 13, 2022 Order." *Id.* at 1. She also seeks a stay of any "future payment Order." *Id.* at 2.

As to Tom's first request, the judgment does not set any deadlines with which Tom must comply. The only deadline in the judgment is that Kijakazi's bill of costs, if any, must be filed within 14 days of the entry of judgment. ECF No. 159 at 1.

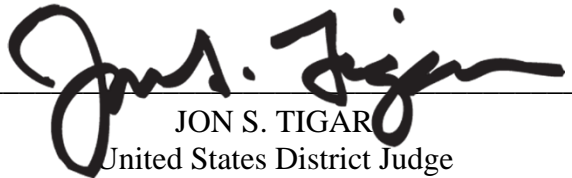
Although Kijakazi has now filed a bill of costs, ECF No. 165, the time to file objections has not yet passed, and the Clerk has not yet taxed any costs. *See* Civil L.R. 54-2 (objections due within 14 days after service). That is, the Clerk has not determined whether Kijakazi is entitled to any payments by Tom for the claimed costs. Moreover, even if the Clerk were to tax costs, the parties would have seven days in which to file a motion for this Court to review the Clerk's action. Fed. R. Civ. P. 54(d)(1). Thus, as to Tom's second request, there has been no order requiring Tom to make any payments.

Tom's motion for a stay pending appeal is therefore denied. If Tom objects to the taxation of costs, the parties shall meet and confer "in an effort to resolve disagreement about the taxable

costs claimed in the bill.” Civil L.R. 54-2(b). The Court also encourages the parties to meet and confer regarding Tom’s request to stay enforcement of any taxation of costs pending appeal. If agreement cannot be reached, Tom may renew her motion for a stay pending appeal after the Court rules on any motion to review the Clerk’s taxation of costs or, if no such motion is filed, eight days after the Clerk’s taxation of costs.

IT IS SO ORDERED.

Dated: January 4, 2023


JON S. TIGAR
United States District Judge